

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

STATE OF MARYLAND, *et al.*, \*

Plaintiffs-Appellees, \*

v. \*

No. 25-1248

UNITED STATES DEPARTMENT \*  
OF AGRICULTURE, *et al.*, \*

\*

Defendants-Appellants. \*

\*

\* \* \* \* \*

**OPPOSITION TO REQUEST FOR  
IMMEDIATE ADMINISTRATIVE STAY**

Plaintiffs-Appellees—a coalition of 19 States and the District of Columbia (“the States”)—oppose Defendants-Appellants’ (“the Agencies”) motion for an administrative stay for the following reasons.

First, an administrative stay is unnecessary to enable the Court to swiftly resolve the pending substantive motion for a stay of the district court’s temporary restraining order (“TRO”). The States are prepared to file their opposition to the stay motion no later than Wednesday, March 19, at 5:00 p.m. (or any deadline set by this Court, if a briefing schedule is issued).

Second, no urgent circumstances require an immediate administrative stay. Having waited four days since the district court issued its TRO, the Agencies now

seek to administratively stay the temporary order in its entirety. This request comes *after* the district court’s 1:00 p.m. deadline for the Agencies to reinstate all terminated probationary employees. (ECF 44 ¶ 3.) Had the Agencies required immediate relief, they could have requested it on Friday, over the weekend, or at any point before the compliance deadline passed. They did not. Accordingly, there is no reason to enter a temporary administrative stay now.

Third, an administrative stay would disrupt rather than preserve the status quo, which is the “last uncontested status between the parties which preceded the controversy.” *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 236 (4th Cir. 2014). Here, the district court’s order maintains the status quo between the parties by (1) temporarily restraining the Agencies from continuing their string of unlawful mass firings; and (2) temporarily reinstating the terminated probationary employees. And at this point, the States have received word from declarants who supplied statements to the district court that multiple employees in the affected agencies have been offered reinstatement. Indeed, the Agencies represented to the district court that they have “worked diligently . . . to comply with [the TRO] requirements on the deadline established by this Court,” and would continue doing so “up to and including the 1pm compliance deadline” of today, March 17, 2025. (ECF 49, at 1–2.) Thus, there is every indication on the ground that the Agencies both can comply and are working to do so. Granting an administrative stay now

would only stall that progress and sow confusion. *See American Fed'n of Gov't Emps., AFL-CIO v. Office of Personnel Mgmt.*, No. 25-1677 (9th Cir. March 17, 2025), ECF 14.1 (denying emergency motion for an administrative stay because "it would disrupt the status quo and turn it on its head").

Fourth, an administrative stay would be particularly inappropriate in the context of this appeal because TROs are generally not appealable—and hence this Court lacks jurisdiction over the underlying appeal. *See Drudge v. McKernon*, 482 F.2d 1375, 1376 (4th Cir. 1973) ("[W]e are aware of [no authority], that, as a general rule, the granting . . . of a motion for a temporary restraining order is an appealable order."); *U.S. Dep't of Lab. v. Wolf Run Mining Co.*, 452 F.3d 275, 281 n.1 (4th Cir. 2006) (explaining that TROs are of short duration, unlike injunctions); *see also New York v. Trump*, No. 25-1138, 2025 WL 455494, at \*1 (1st Cir. Feb. 11, 2025) (noting uncertainty about whether federal courts of appeals "have jurisdiction to consider [a] request for an administrative stay arising out of a temporary restraining order"). Indeed, the district court is working expeditiously to resolve this dispute, having set a briefing schedule for the States' forthcoming preliminary injunction motion and scheduling a hearing on that motion for March 26. (ECF 44 ¶ 7.) So even though the TRO is not appealable, an appealable order will likely be issued soon.

Lastly, an administrative stay is unwarranted because the record evidence and law overwhelmingly support the district court's decision to issue a TRO, as the

States' forthcoming opposition to the Agencies' motion for a stay pending appeal will explain in greater detail.

## CONCLUSION

The Court should deny the Agencies' request for an immediate administrative stay.

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March 17, 2025

## **CERTIFICATE OF SERVICE**

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/s/ *Virginia A. Williamson*  
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